

Senate Bill No. 984

Passed the Senate August 31, 2002

Secretary of the Senate

Passed the Assembly August 30, 2002

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2002, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Division 10.4 (commencing with Section 10330) to the Public Resources Code, relating to grazing land, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 984, Costa. Rangeland, Grazing Land, and Grassland Protection Act.

Existing law provides for grazing rights on public land.

This bill would enact the Rangeland, Grazing Land, and Grassland Protection Act, which would establish a program to protect California's rangeland, grazing land, and grasslands through the use of conservation easements for specified purposes relating to the conservation and protection of rangeland, grazing land, and grassland in the state. The program would provide for grants for the acquisition of conservation easements to protect, restore, or enhance rangeland, grazing land, or grassland, or to sustain the character of specified property, and would establish criteria and procedures for the award of those grants.

The bill would authorize the Wildlife Conservation Board to adopt guidelines to implement the program, including procedures and a schedule for submittal of applications for grants, and requirements that ensure that the conservation easements are monitored not less than every 2 years. The bill would permit the board to coordinate the program with the Oak Woodlands Conservation Act.

The bill would appropriate \$19,200,000 from funds made available pursuant to the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002 (Proposition 40) to the board for the purpose of the bill. The bill would prohibit the board from expending more than 5% of the funds derived from the proceeds of bonds and appropriated by the bill for associated programmatic costs.

Appropriation: yes.



The people of the State of California do enact as follows:

SECTION 1. Division 10.4 (commencing with Section 10330) is added to the Public Resources Code, to read:

DIVISION 10.4. RANGELAND, GRAZING LAND, AND
GRASSLAND PROTECTION ACT

10330. The Wildlife Conservation Board is hereby designated as the lead agency of the state for carrying out the program of rangeland, grazing land, and grassland protection pursuant to this division.

10331. The California Rangeland, Grazing Land, and Grassland Protection Program is hereby established to protect California's rangeland, grazing land, and grasslands through the use of conservation easements, for the following purposes:

(a) To prevent the conversion of rangeland, grazing land, and grassland to nonagricultural uses.

(b) To protect the long-term sustainability of livestock grazing.

(c) To ensure continued wildlife, water quality, watershed, and open-space benefits to the State of California from livestock grazing.

10332. As used in this division, the following terms have the following meanings:

(a) "Board" means the Wildlife Conservation Board created pursuant to Article 2 (commencing with Section 1320) of Chapter 4 of Division 20 of the Fish and Game Code.

(b) "Conservation easement" means a conservation easement, as defined by Section 815.1 of the Civil Code, that is perpetual.

(c) "Local public agency" means any city, county, city and county, resource conservation district, district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5, authority formed pursuant to Division 26 (commencing with Section 35100), or joint powers authority made up of two or more local public agencies and one or more state agencies.

(d) "Nonprofit organization" means any nonprofit public benefit corporation formed pursuant to the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code), qualified to do business in California, and



qualified under Section 501(c)(3) of Title 26 of the Internal Revenue Code as a tax-exempt corporation that has as a principal purpose the conservation of land and water resources.

(e) “Property” means any real property, and any perpetual interest therein, including land, conservation easements, and land containing water rights.

(f) “Qualified property” means property that is rangeland, grazing land, or grassland and is used or is suitable for grazing; is zoned for agricultural grazing, or open-space use; and is used or suitable for habitat for aquatic or terrestrial wildlife species or native plants.

(g) “State agency” means any public entity created by statute within the Resources Agency.

10334. Funds may be expended by the board for the acquisition of conservation easements over qualified property pursuant to the authority granted to the board under Section 1348 of the Fish and Game Code. The board may also make grants of funds to a state agency, local public agency, or nonprofit organization for the acquisition of conservation easements over qualified property.

10335. Funds expended pursuant to this division may be used only to acquire conservation easements to protect rangeland, grazing lands, and grasslands, consistent with the purposes of Sections 10331 and 10337. If additional property interests, restrictions, enhancements, or access is acquired in addition to a conservation easement, funds for those additional acquisitions shall be provided from other sources.

10335.5. (a) Any eligible projects funded under this division with the proceeds from the sale of any bonds shall be consistent with the requirements of Section 16727 of the Government Code.

(b) Of the total amount of funds derived from the proceeds of bonds and appropriated by Section 2 of the act adding this division, the board may not expend more than 5 percent for associated programmatic costs.

10336. The board may adopt guidelines to implement the program, including the establishment of procedures and a schedule for submittal of applications for grants and a requirement that conservation easements be monitored not less than every two years. Chapter 3.5 (commencing with Section 11340) of Part 1 of



Division 3 of Title 2 of the Government Code does not apply to the guidelines adopted pursuant to this section.

10337. A conservation easement may be acquired pursuant to this division only if its acquisition will protect, restore, or enhance rangeland, grazing land, or grassland and sustain the character of the property. In evaluating qualified property, the board and any recipient of a grant may consider all of the following criteria:

- (a) The productivity or potential productivity of the land.
- (b) The long-term economic viability of the property.
- (c) The threat to the property of urban or intensified rural development.
- (d) The presence of scenic open-space or viewshed, historic, or archeological values, or unique geologic features.
- (e) The presence of water resources, including groundwater recharge.
- (f) The presence of vegetation with ecological significance, such as oak woodlands, forests, riparian corridor, or native vegetation.
- (g) The quality of the soil.
- (h) The location of the property relative to an urban sphere of influence.
- (i) The location of the property relative to other properties preserved by conservation easements.
- (j) Whether protecting this property will assist in protecting other lands.
- (k) The geographic concentration of other rangelands, grazing lands, and grasslands.

10338. At a minimum, each application for a grant shall contain all of the following:

- (a) A legal description of the property and a description of the current use of the land and the habitat types of the property, including documentation of how acquisition of a conservation easement will preserve rangeland, grazing land, or grassland.
- (b) An independent and impartial appraisal prepared by a real estate appraiser who is licensed pursuant to the Real Estate Appraisers' Licensing and Certification Law (Part 3 (commencing with Section 11300) of Division 4 of the Business and Professions Code).
- (c) Certification by the prospective seller of the conservation easement that the seller was not, and is not, required to satisfy a



condition imposed upon the seller by any lease, permit, license, certificate, or other entitlement for use issued by one or more public agencies, including, but not limited to, the mitigation of significant effects on the environment of a project pursuant to an approved environmental impact report or mitigated negative declaration required pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(d) Disclosure of any known or suspected environmental conditions associated with the property.

10339. The board may require further information as is reasonably necessary to allow the board to evaluate the proposed acquisition.

10340. The board, or the recipient of a grant, may accept contributions of money from a prospective seller to pay or reimburse the costs of appraisal, escrow, and title, and other transaction costs associated with the acquisition, including any environmental assessment.

10341. The board may request staff services from any state agency that submits an application for a grant.

10342. Any conservation easement, money, or other asset acquired pursuant to this division shall not be deemed a transfer pursuant to Article 1 (commencing with Section 2780) of Chapter 9 of Division 3 of the Fish and Game Code.

10343. (a) Nothing in this division authorizes or increases the authority of any public agency to use eminent domain to acquire private property.

(b) Nothing in this division diminishes any existing land or water right held by an existing easement holder in any property for which acquisition of a conservation easement is proposed.

(c) An existing mineral rights holder, as identified in the public records in the county where the property is located, shall be given notice of intent to purchase a conservation easement. The notice may be given by any means authorized by statute.

10344. The board may coordinate this program with the Oak Woodlands Conservation Act established pursuant to Article 3.5 (commencing with Section 1360) of Chapter 4 of Division 2 of the Fish and Game Code, as administered by the board.

SEC. 2. From the funds deposited in the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund created pursuant to Section 5096.610 of the



Public Resources Code, of the amount made available under subdivision (f) of Section 5096.650 of the Public Resources Code, the sum of nineteen million two hundred thousand dollars (\$19,200,000) is hereby appropriated to the Wildlife Conservation Board for the purpose of the Rangeland, Grazing Land, and Grassland Protection Act, as set forth in Division 10.4 (commencing with Section 10330) of the Public Resources Code.



Approved _____, 2002

Governor

